

Government of the District of Columbia

ZONING COMMISSION



Z.C. ORDER NO. 639-A

Case No. 88-29C

(PUD & Map Amendment @ 5th Street and Massachusetts Avenue, N.W.)

October 21, 1991

On January 8, 1991, the Zoning Commission for the District of Columbia adopted Z.C. Order No. 639 in case No. 88-29C, and on February 12, 1991, the Commission amended the order.

Case No. 88-29C was an application of the Massachusetts Crescent Limited Partnership requesting review and approval of a Planned Unit Development (PUD), and a related change of zoning from HR/SP-2 to HR/C-3-C for lots 875 and 876, in Square 517, pursuant to Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

Z.C. Order No. 639, as amended, granted PUD approval for a 130-foot, mixed-use residential, office, and retail building with a floor area ratio of 8.5, 191 on-site parking spaces, and a lot occupancy of 80 percent.

Pursuant to 11 DCMR 3028.8, Z.C. Order No. 639 became final and effective upon publication in the District of Columbia Register on February 23, 1990 (37 DCR 1458-1468).

By letter dated July 17, 1991, Crescent Construction Company, the new owner of the PUD site, filed a motion to extend the validity of Z. C. Order No. 639.

Pursuant to 11 DCMR 2406.10, the applicant requested an extension of the validity of the PUD for two years, because of stringent economic conditions which have made it difficult to secure appropriate tenants and favorable financing for the project. The letter summarizes the basis for the extension request as follows:

"At this time, we hereby request a two-year extension of the Order to February 23, 1994 before plans must be filed for a building permit and February 23, 1995 before construction must commence. This request is necessary so that we may continue to seek a tenant and financing and so that we are not required to finalize permit drawings before we obtain a lead tenant.

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Since Order No. 639 was approved, the financial markets and the economic situation concerning real estate financing have not strengthened and have in fact weakened. The lending institutions with which we have held discussions have stressed their stringent pre-leasing requirements and their limited capacity for financing new real estate projects.

We have diligently sought a strong lead tenant and sources of financing both nationally and internationally, and we continue to do so. Currently, rental rates in the office market are severely depressed and we believe it is not prudent to begin construction until such time as substantial pre-leasing and appropriate financing have been arranged. Therefore, additional time is needed for us to complete our pre-leasing and financing arrangements".

The applicant, by an attachment to its letter, certified that Advisory Neighborhood Commission (ANC) 2C was served a copy of the extension request on July 17, 1991.

Advisory Neighborhood Commission - 2C, by letter dated September 9, 1991, supported the applicant's request for the two year extension.

The District of Columbia Office of Planning (OP), by memorandum dated August 30, 1991, indicated that the real estate market has experienced an extreme downturn since the PUD was approved. The OP also had no objection to the requested extension.

Pursuant to Section 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request being made before the expiration of the approval.

On September 10, 1991, at its regular monthly meeting, the Zoning Commission concurred with the recommendation and position of OP and ANC-2C and determined that an extension of time, as requested by the applicant, is reasonable and would not adversely affect any party or person.

The Commission believes that its proposed action to grant the request is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

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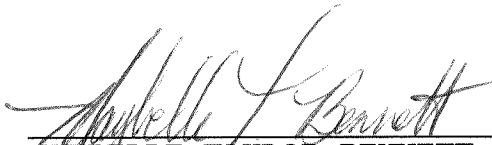
In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order No. 639 be **EXTENDED** for a period of **TWO YEARS**; that is, until **February 23, 1994**. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2406.8 and construction shall start within five years from the effective date of Z.C. Order No. 639; that is, not later than **February 23, 1995**.

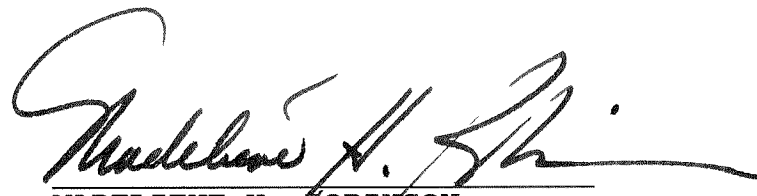
Vote of the Zoning Commission taken at the monthly meeting on September 10, 1991: 4-0 (John G. Parsons, William L. Ensign, Maybelle Taylor Bennett to **extend for two years**, and Lloyd D. Smith to **extend for two years by proxy** - Tersh Boasberg, **abstained**).

This order was adopted by the Zoning Commission at the public meeting on October 21, 1991 by a vote of 3-0: (John G. Parsons, William L. Ensign, to adopt and, Tersh Boasberg to adopt for institutional purposes, Lloyd D. Smith and Maybelle Taylor Bennett, not present, not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the District of Columbia Register; that is, on

NOV 15 1991

  
MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
MADELIENE H. ROBINSON  
Acting Director  
Office of Zoning

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